

**Remarks**

This Application has been carefully reviewed in light of the Office Action dated July 29, 2009 ("*Office Action*"). Applicant appreciates the Examiner's consideration of the Application. At the time of the Office Action, Claims 1-77 and 81-86 were pending and rejected in the Application. Applicant previously canceled Claims 78-80, and added new Claims 81-86. Applicant respectfully requests reconsideration and allowance of all pending claims.

**Sections 102 and 103 Rejections**

The Examiner rejects under 35 U.S.C. § 102(b): Claims 1, 28-29, 52, 54, 77, and 81-86 over U.S. Patent Application Publication No. 2001/0006403 of *Crocitti* ("*Crocitti*"). The Examiner rejects under 35 U.S.C. § 103(a): Claims 2, 4, 7-10, 12, 18-25, 30, 32, 35-38, 40, 45-49, 53, 55, 57, 60, 65, and 70-74 over *Crocitti* and U.S. Patent No. 4,310,883 of Clifton et al. ("*Clifton*"); Claims 3, 5, 11, 15-17, 31, 33, 39, 43-44, 56, 58, 61-64, and 68-69 over *Crocitti*, *Clifton*, and U.S. Patent Application Publication No. 2002/0188592 of Leonhardt ("*Leonhardt*"); Claims 6, 34, and 59 over *Crocitti*, *Clifton*, and U.S. Patent Application Publication No. 2002/0188592 of Baumann et al. ("*Baumann*"); Claims 13-14, 41-42, and 66-67 over *Crocitti* and U.S. Patent No. 6,882,795 of McMurdie et al. ("*McMurdie*"); Claims 26, 50, and 75 over *Crocitti* and U.S. Patent Application Publication No. 2003/0079084 of Gotoh ("*Gotoh*"); Claims 27, 51, and 76 over *Crocitti* and U.S. Patent Application Publication No. 2003/0050729 of Basham ("*Basham*"). Applicant respectfully traverses these rejections.

Applicant respectfully submits that *Crocitti* and the combinations of references proposed by the Examiner fail to disclose, teach, or suggest Applicant's claims. For example, *Leonhardt* fails to disclose, teach, or suggest the following of Claim 1:

preventing, by the broker program, the data file from being deleted until the expiry date has been reached.

*Leonhardt* discloses deleting data sets that have reached their expiration date:

When data sets reach their expiration data [*sic*] and have been deleted by the user the memory space that these data sets occupy should be reclaimed so that media usage is as high as possible.

(*Leonhardt*, ¶ 0060, lines 5-8.) That is, *Leonhardt* discloses ***deleting***, not ***preventing deletion***. Accordingly, *Leonhardt* fails to disclose, teach, or suggest the above portion of Claim 1. *Crocitti* and *Clifton* fail to remedy this deficiency.

For at least these reasons, Applicant respectfully submits that independent Claim 1 and its dependent claims are allowable under 35 U.S.C. §§ 102 and 103. For analogous reasons, independent Claims 28, 29, 52, 54, and 77 and their respective dependent claims are allowable under §§ 102 and 103.

**No Waiver**

All of Applicant's arguments are without prejudice or disclaimer. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. Additionally, Applicant has merely discussed example distinctions from the references cited by the Examiner. The example distinctions discussed by Applicant are sufficient to overcome the Examiner's rejections. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate.

**Conclusion**

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact the undersigned attorney for Applicant at the convenience of the Examiner.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant



Keiko Ichiye  
Reg. No. 45,460  
(214) 953-6494

Date: December 22, 2009

**CORRESPONDENCE ADDRESS:**

Customer Number: **05073**